

1 SPENCER HOSIE (No. 101777)
shosie@hosiela.com
2 BRUCE WECKER (No. 78530)
bwecker@hosiela.com
3 GEORGE F. BISHOP (No. 89205)
gbishop@hosiela.com
4 HOSIE McARTHUR LLP
One Market, Spear Tower, 22nd Floor
5 San Francisco, California 94105
Telephone: (415) 247-6000
6 Facsimile: (415) 247-6001

7 Attorneys for Defendant
Burst.com, Inc.
8
9

10 UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION
13

14 REALNETWORKS, INC.,

15 Plaintiff,

16 v.

17 BURST.COM, INC.,

18 Defendant.
19

Case No. C-08-0023 MHP

**STIPULATED REQUEST TO
RESCHEDULE CASE
MANAGEMENT CONFERENCE AND
[PROPOSED] ORDER**

20
21 Pursuant to Civil Local Rules 6-2 and 7-12, Plaintiff RealNetworks, Inc. ("Plaintiff")
22 and Defendant Burst.com, Inc. ("Defendant"), hereby stipulate through their respective counsel
23 of record as follows:

24 WHEREAS, on or about January 7, 2008, Plaintiff served its Complaint for Declaratory
25 Judgment and Demand for Jury Trial ("Complaint") upon Defendant;

26 WHEREAS on January 24, 2008, this case was reassigned to the Honorable Marilyn
27 Hall Patel and a Case Management Conference is scheduled to be held on Monday, April 14,
28 2008;

WHEREAS the parties are pursuing settlement discussions, and believe that an extension of time for the Case Management Conference in this matter may aid the parties in their efforts to resolve this litigation and thus avoid the need to take the Court's time for a CMC or other proceedings;

WHEREAS no previous extension of time has been granted for the Case Management Conference; and three previous extensions of time to answer or otherwise respond to the Complaint have been granted pursuant to stipulation which in aggregate extended the due date from January 28, 2008 to March 25, 2008 and have facilitated settlement discussions;

WHEREAS, no trial date has yet been set in this action; and

WHEREAS the parties have conferred and mutually agreed that they are available for a Case Management Conference on Monday, June 2, 2008;

NOW THEREFORE the parties through their undersigned counsel hereby stipulate and request the Court to continue the Case Management Conference to occur Monday, June 2, 2008, or on a date as soon thereafter as is available with the Court, and that the other dates scheduled in the Court's Order Setting Initial Case Management Conference and ADR Deadlines are continued accordingly.

IT IS SO STIPULATED

DATED: March 18, 2008

HOSIE McARTHUR LLP

By: /s/
George F. Bishop
Attorneys for Defendant Burst.com, Inc.

DATED: March 18, 2008

HOWREY LLP

By: /s/
Robert F. Kramer
Attorneys for Plaintiff RealNetworks, Inc.

1 I hereby attest pursuant to General Order 45.X.B. that concurrence in the electronic
2 filing of this document has been obtained from the other signatories.

3 DATED: March 18, 2008

4 _____
/s/

5 George F. Bishop
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

Pursuant to the stipulation of the parties, it is hereby ORDERED that the Case Management Conference is reset to June 2, 2008, and that the other dates scheduled in the Court's order Setting Initial Case Management Conference and ADR Deadlines are continued accordingly.

SO ORDERED

March __, 2008

Honorable Marilyn Hall Patel
United States District Judge